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09/982,247	10/16/2001	William K. Meade II	10004224-1	7637

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EXAMINER

DAO, MINH D

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/982,247	Applicant(s) MEADE, WILLIAM K.	
	Examiner MINH D. DAO	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 October 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21, 23-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,3,5-7,12-17,19,23 are rejected under 35 U.S.C. 102(e) as being anticipated by Petteruti et al. (US 6,379,058).

Regarding claim 1, Petteruti teaches a method of controlling an appliance comprising: establishing a wireless communication link between the appliance (see fig. 1, printer 10; col. 3, line 47 to col. 4, line 29) and a mobile computing device (see fig. 2, portable terminal 28; col. 3, line 47 to col. 4, line 29); and controlling the appliance via the mobile computing device including: supplying a first content from the mobile computing device to the appliance (see col. 2, lines 11-20); selecting for performance by the appliance at least one content from a plurality of content available via the appliance; the plurality of content including the first content (see col. 2, lines 11-39); and applying a user preference to the appliance (see col. 2, lines 5-10; col. 8, lines 20-59).

Regarding claim 3, Petteruti teaches the method of claim 1 wherein in controlling the appliance, applying the user preference comprises: supplying from the mobile computing device to the appliance the user preference including at least one of an audio station selection list, an audio program selection list, a TV program selection list, an auto-activation selection list, a volume selection, and an auto-printing selection list (see col. 8, lines 20-59).

Regarding claim 5, Petteruti teaches the method of claim 1 wherein the appliance comprises a first appliance and the method further comprises: providing a plurality of appliances including the first appliance; and controlling the plurality of appliances with the mobile computing device including determining which of the respective appliances to control (see col. 8, lines 20-59).

Regarding claim 6, Petteruti teaches a method of controlling an appliance comprising: wirelessly exchanging user preference information between a mobile computing device and an appliance; and operating the appliance with the mobile computing device based on the user preference information (see col. 2, lines 5-10; col. 8, lines 20-59).

Regarding claim 7, Petteruti teaches a method of controlling an appliance comprising: supplying a first content to the appliance from a mobile computing device (see col. 2, lines 11-20); and selecting, via the mobile computing device, the first content from a plurality of content in the appliance to perform the first content with the appliance (see col. 2, lines 11-39).

Regarding claim 12, the claim has the same limitations as that of claim 1 and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

Regarding claim 13, Petteruti teaches the system of claim 12 wherein the mobile computing device comprises: a memory including at least one of an internal disc drive and, a silicon based storage device optionally including an atomic resolution storage device (see fig. 2, item 32).

Regarding claim 14, even though Petteruti does not mention that the system of claim 13 and further comprising: a network communication link; and a web site including an application service provider configured to supply content suitable for performing a task on the appliance and configured to store the content on the mobile computing device via wireless exchange through the network communication link. However, it is known in the

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art of wireless data communication that the "host" of Petteruti is capable of receiving document from a web site that can be sent to the portable printer to be printed out.

Regarding claim 15, Petteruti teaches the system of claim 12 wherein the mobile computing device comprises at least one of a personal digital assistant, a mobile phone, a portable audio file player, and a handheld computer (see col. 4, lines 30-47).

Regarding claim 16, Petteruti teaches the system of claim 12 wherein the appliance for which the mobile computing device is configured to control comprises at least one of a video device, an audio device, a mobile phone, a multifunction printer, a web site, a thermostat, an alarm clock, a beverage maker, and a lighting unit (see col. 1, lines 50-65).

Regarding claim 17, Petteruti teaches an appliance control system comprising:
a mobile computing device including: a controller (see fig. 2A, item 52); a memory configured for storing a first content and user preferences (see fig. 2A, items 54,56); a wireless communicator configured for wireless communication with an appliance (see fig. 2A, items 58,59); a display with a user interface (see fig. 2, items 44,46); and an appliance content selector configured for selecting content to be performed by an appliance (see col. 5, lines 45-50).

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Regarding claim 18, Petteruti teaches the appliance control system of claim 17 wherein the mobile computing device further comprises: an embedded web server (the host of Petteruti) configured for producing a web page representing the mobile computing device including at least one of an user preference list and an user preference database, and the web page optionally representing a transitivity of preferences across appliances (see col. 8, lines 20-59).

Regarding claim 23, the claim has the same limitations as that of claim 1 and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 1.

3. Claims 8,9,26 are rejected under 35 U.S.C. 102(e) as being anticipated by Lewis (US 2001/0032127).

Regarding claim 8, Lewis teaches a method of selecting content for an appliance comprising: providing a mobile computing device comprising an audio monitor including audio-based content selections, a video monitor including video-based content selections, a data monitor including data-based content selections, a communication monitor including telecommunication selections, and an internet monitor including internet selections; and selecting content to be performed at the appliance via the mobile computing device from at least one of the audio monitor, the video monitor, the data monitor, the communication monitor, and the internet monitor (see abstract; fig. 1; and section [0024] of Lewis).

Regarding claim 9, Lewis teaches the method of claim 8 wherein and further comprising at least one of: providing the audio monitor to include at least one of an audio station selection list, an audio song selection list, an audio program selection list, and an audio file selection list; providing the video monitor to include at least one of a television network station selection list, a television program selection list, a program recorder with a play selection list and a program list; providing the data monitor to include at least one of a document selection list, an editor activator, a virtual disc drive selector, and a document scanner receiver selector; providing the communications monitor to include at least one of a phone book selection, a call list selection, an address book selection, a land/cell switcher selection, a fax selection; and providing the internet monitor to include at least one of a browser favorites selection list and a cookies selection list (see abstract; fig. 1; and section [0024] of Lewis).

Regarding claim 26, Lewis teaches a computer-readable medium having computer-executable instructions for performing a method of selecting content for an appliance, the method comprising: providing a mobile computing device with at least one of an audio monitor including audio-based content selections, a video monitor including video-based content selections, a data monitor including data-based content selections, a communication monitor including telecommunication selections, and an internet monitor including internet selections; and selecting content from at least one of the audio monitor, the video monitor, the data monitor, the communication monitor, and the

internet monitor, wherein the method further comprises; providing the audio monitor to include at least one of an audio station selection list, an audio song selection list, an audio program selection list, and an audio file selection list; providing the video monitor to include at least one of a television network station selection list, a television program selection list, a program recorder with a play selection list and a program list; providing the data monitor to include at least one of a document selection list, an editor activator, a virtual disc drive selector, and a document scanner receiver selector; providing the communications monitor to include at least one of a phone book selection, a call list selection, an address book selection, a land/cell switcher selection, a fax selection; and providing the internet monitor to include at least one of a browser favorites selection list and a cookies selection list (see abstract; fig. 1; and section [0024] of Lewis).

4. Claims 20,21 are rejected under 35 U.S.C. 102(e) as being anticipated by Michaels et al. (US 6,453,167).

Regarding claim 20, Michaels teaches a computing system comprising:

a computing workstation including (see fig. 1, items 1-5):

a wireless communicator (see fig. 1, item 5); a storage media selector configured for selecting a memory destination to store and access data files (see figs. 1-5; col. 5, lines 35-62); and

a mobile computing device including (see fig. 1, item 6):

a wireless communicator (see fig. 1, item 6); and a memory configured for storing data files and including:

a virtual disc drive monitor configured to enable the storage media selector of the computing workstation to access the memory of the mobile computing device as the memory destination of the computing workstation via the respective wireless communicators of the mobile computing device and the computing work-station (see fig. 1, item 7; col. 5, lines 9-30).

Regarding claim 21, the claim has the same limitations as that of claim 20 and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 20.

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 10,11 are rejected under 35 U.S.C. 102(b) as being anticipated by Weitraub (US 4,301,542).

Regarding claim 10, Weitraub teaches a method of controlling household appliances comprising: wirelessly establishing communication between a mobile computing device and a household appliance including at least one of a thermostat, a beverage maker, an

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alarm, and a lighting device; and selectively activating and controlling the household appliances with the mobile computing device (see figs. 1,2 and col. 7, lines 3-26).

Regarding claim 11, Weitraub teaches a method of controlling appliances comprising: establishing wireless communication between a mobile computing device and an appliance; automatically applying an user preference of the mobile computing device to the appliance; automatically requesting the appliance to perform a task using a preferred content that is at least one of a content available through the appliance and a content supplied from the mobile computing device to the appliance; and observing the appliance perform the requested task using the applied user preferences (see figs. 1,2 and col. 7, lines 3-26).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2,4,18,24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petheruti et al. (US 6,379,058) in view of Rines et al. (US 6,002,558).

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Regarding claim 2, Petteruti teaches the limitations of claim 1 but fails to teach supplying the first content comprises: supplying the first content as at least one of a movie file, a TV program tile, an audio song file, and an audio program file. Rines, in an analogous art, teaches wirelessly sending an audio recorded content to a remote location using a cellular radio (see col. 2, lines 18-55). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the teaching of Rines to Petteruti in order to be able to relay in real-time an audio content from a cellular unit to a remote location as taught by Rines.

Regarding claim 4, the combination of Petteruti and Rines teaches the method of claim 1 wherein the plurality of content comprises: at least one of an audio station from an audio station list, an audio song supplied as the first content from a memory of the mobile computing device, a TV program supplied as the first content from a memory of the mobile computing device, and a TV station on a video device (see col. 2, lines 18-55).

Regarding claim 18, the combination of Petteruti and Rines teaches the appliance control system of claim 17 and further comprising: at least one of: an audio device configured for wireless communication with the mobile computing device and configured for operative control by the mobile computing device, the audio device including: a receiver; a station selector; a song search function; a media player; a memory; and a wireless communicator (see fig. 1 of Rines; col. 3, lines 1-63).

Regarding claim 24, the claim has the same limitations as that of claim 2 and therefore is interpreted and rejected for the same reason set forth in the rejection of claim 2.

Response to Amendment

9. The Affidavit filed on 10/05/05 under 37 CFR 1.131 is sufficient to overcome the Kobayashi (US 2002/0033760) and Davara (US 6,813,619) references.

Response to Arguments

10. Applicant's arguments filed 10/05/05 have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter

11. Claim 25 is allowed.

12. The following is an examiner's statement of reasons for allowance:

13. Regarding claim 25, the closest art of record are: Lopresti (US 5,889,506) in view of Devara (US 6,813,619). The combination of the teachings of Lopresti and Devara teaches A computer-readable medium having computer-executable instructions for performing a method of setting and applying user preferences for controlling an

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appliance with a mobile computing device, the method comprising: automatically performing select tasks with the appliances with at least one of the following user-determined functions: volume level, lighting level, file interactions and file transfers, appliance auto-activation, and default media selections including default program and default station lists. However, Lopresti and Devara fail to teach grouping the appliances, to carry substantially the same user preferences, by at least one of an appliance location, an appliance type and custom criteria; and entering the user preferences for storage in the mobile computing device from at least one of computer workstation and another appliance via a web page of an embedded web server of the mobile computing device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MINH D. DAO whose telephone number is 571-272-7851. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, DORIS TO can be reached on 571-272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Minh Dao *MD*
Art Unit 2682
December 22, 2005



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